

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

<u>MOHAMMED AL-ADAH, <u>et al.</u>,</u>	:	
	:	
Petitioners,	:	
	:	
v.	:	Civil Action No. 05-280 (GK)
	:	
BARACK H. OBAMA, <u>et al.</u> ,	:	
	:	
Respondents.	:	
	:	

ORDER

Upon consideration of the fact that a Pre-trial Conference is scheduled in this case for Petitioner Bawazir on November 16, 2009, it is hereby

**ORDERED**, that, in advance of that Conference, by **November 12, 2009, at 4:00 p.m.**, parties shall submit their statements of the main issues in dispute; and it is further

**ORDERED**, that by **November 12, 2009, at 4:00 p.m.**, parties shall file with the Court a numbered list of Joint Exhibits, along with a bound and tabbed copy of those exhibits. They will be referred to as JE #\_\_\_. This set of exhibits should include evidence that both parties expect will be referenced at the Merits Hearing.

In addition to this universe of key exhibits, each party shall submit a numbered list of those documents that will or might be referenced at the Hearing, along with a bound and tabbed copy of the documents. The Government's exhibits will be referred to as GE #\_\_, and Petitioner's as PE #\_\_. Should parties need to add exhibits after the Pre-trial Conference, they must be submitted as

part of the GE or PE universe, and not as a supplement to the Joint Exhibits.

The parties are on notice that any evidence that has not been identified in the above exhibit books on or before November 12, 2009, may be excluded from consideration by the Court. The two exceptions to the November 12, 2009, deadline shall be 1) documents offered solely for the rebuttal of arguments made at the Merits Hearing that could not reasonably have been anticipated prior to November 12, 2009, and 2) exculpatory information, as to which the Government has a continuing obligation to disclose to Petitioner; and it is further

**ORDERED**, that Petitioner's counsel shall notify the Court on or before November 12, 2009, as to whether Petitioner wants to listen to the unclassified opening statements at the Merits Hearing; and it is further

**ORDERED**, that the Merits Hearing shall proceed as follows:

(1) The parties shall begin with unclassified opening statements, with the Government presenting its unclassified opening statement first. The parties shall confer prior to the first day of the Hearing to determine whether there are any disagreements as to what information may be considered unclassified, and to resolve the same. If Petitioner chooses to listen to the unclassified opening statements, Petitioner shall be responsible for translators and the Government shall be responsible for all other logistical arrangements. Following unclassified opening statements, the

parties shall present classified opening statements, with the Government presenting its classified opening statement first.

(2) The Court shall require an issue-by-issue evidentiary presentation. Accordingly, the Government shall make a presentation on a contested issue relevant to Petitioners' detention. Petitioner shall then respond to the Government's presentation through a presentation of evidence and argument. Finally, the Government may respond to Petitioner's presentation in rebuttal. The Court expects that counsel for Petitioner and the Government will use electronic presentation devices to present their documentary evidence to the Court. The parties should contact John Cramer, Office of Information Technology, to discuss equipment available to the parties.

(3) The parties shall present classified closing statements. The Government shall present its closing argument first, followed by Petitioner. The Government shall be allowed to make a rebuttal closing argument.

	/s/
October 7, 2009	Gladys Kessler
	United States District Judge

Copies to: Attorneys of Record via ECF